

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 05-957-H5/EX03-079C-US)

In the Application of:)	
)	
Plowman et al.)	
)	
US Application No.: 10/532,406)	Examiner: TBD
)	
International Application No. PCT/US03/33551)	Group Art Unit: TBD
)	
International Filing Date: April 22, 2005)	Confirmation No.: 5784
)	
For: MAPK7 AS MODIFIER OF BRANCHING)	
MORPHOGENESIS AND METHODS OF)	
USE)	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08/30/2006 HKAYPAGH 00000138 10532406

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PETITION UNDER 37 C.F.R. § 1.137(b)

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.137(b) to revive the unintentionally abandoned application referenced above.

A grantable petition to revive under 37 C.F.R. § 1.137(b) must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer. No terminal disclaimer is required in this case.

Items (1) through (3) are discussed below.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EV839413804US in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 24, 2006.

Anita J. Terpstra, Ph.D.

(1) Reply To Outstanding Office Action Or Notice

An Official Action (Notification of Missing Requirements Form PCT/DO/EO/905) issued in the application on August 11, 2005. The failure to respond to the Official Action led to the unintentional abandonment of this application.

A Response to the Notification of Missing Requirements Form PCT/DO/EO/US/905 mailed on August 11, 2005 as well as the required documents, i.e., executed Oath/Declaration and surcharge, accompanies this Petition.

(2) Petition Fee As Set Forth In 37 C.F.R. § 1.17(m)

Included with this petition is a check for \$1,500.00, the large entity fee under 37 C.F.R. § 1.17(m). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Deposit Account Number 13-2490.

(3) Statement Under 37 C.F.R. § 1.137(b)(3)

Applicant hereby affirms that the entire delay in filing the required reply from the March 11, 2006 deadline for filing an Official Action Reply until the filing of this grantable petition was unintentional.

Applicant transferred over 680 files to the law firm of McDonnell, Boehnen, Hulbert & Berghoff LLP in November 2005. During the course of the transfer, some documents were misplaced or not transferred. In this case, the Notification of Missing Requirements mailed on August 11, 2005 was accidentally misplaced and/or not transferred. Consequently, Applicants failed to file a timely response.

This failure to file a timely reply was brought to Applicant's attention when it received the Notice of Abandonment mailed on July 21, 2006. The failure to file a timely response to the Notification of Missing Requirements was an unintentional error. Applicant never intended to allow the instant application to lapse. Applicant has taken immediate steps to revive the instant application upon notice of the unintentional abandonment.

CONCLUSION

In light of the above statements and evidence in support of this petition, Applicant respectfully submits that this petition is in grantable form and request that it be granted.

Respectfully submitted,

Date: August 24, 2006

By: 

Anita J. Terpstra, Ph.D.

Reg. No. 47,132

312-913-0001

McDonnell Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive

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